

August 15, 2018

Shoghig Yepremian
P.O. Box 583
Sierra Madre, CA 91025

Dear Applicant:

**RE: 333 ½ NORTH VERDUGO ROAD
ADMINISTRATIVE USE PERMIT NO. PAUP 1806838
(Ginetun Restaurant)**

Pursuant to the provisions of the Glendale Municipal Code, Title 30, Chapter 30.49, the Community Development Department has processed your application for an Administrative Use Permit (AUP) to allow the continued on-site sales, service, and consumption of alcoholic beverages (Type 47) at an existing full service restaurant (Ginetun Restaurant) in the "C1" – Neighborhood Commercial Zone, located at **333 ½ North Verdugo Road**, described as a Portion of lot 83, Watts Subdivision Tract, in the City of Glendale, County of Los Angeles.

CODE REQUIRES

(1) On-site sales, service and consumption of alcoholic beverages requires an Administrative Use Permit in the Neighborhood Commercial Zone.

APPLICANT'S PROPOSAL

(1) To allow the continued on-site sales, service and consumption of alcoholic beverages (Type 47) at an existing full service restaurant.

ENVIRONMENTAL RECOMMENDATION

The project is exempt from CEQA review as Class 1 "Existing Facilities" exemption pursuant to State CEQA Guidelines Section 15301 because this application is for an existing restaurant to provide the continued on-site sales of alcoholic beverages with meals. There are no proposals to add floor area to the building or make changes to the existing façade.

After considering the evidence presented with respect to this application, the Director of Community Development has **APPROVED WITH CONDITIONS** your request based on the following findings:

REQUIRED/MANDATED FINDINGS

After thorough consideration of the statements contained in the application, the plans submitted therewith, the above analysis by Community Development Department staff, and any comments received from the public with respect to this application, this Administrative Use Permit application is approved based on the following:

A. That the proposed use will be consistent with the various elements and objectives of the general plan.

The applicant's request to continue the sales, service, and consumption of alcoholic beverages at full service restaurant (Type 47) will be consistent with the elements and objectives of the General Plan. The subject site is located in the C1 (Neighborhood Commercial) zone, and the General Plan Land Use Element designation is Neighborhood Commercial. Goods and services that are offered in this zone generally attract clientele from the adjoining residential neighborhoods. The sales, service and consumption of alcoholic beverages at this full service restaurant at this location is appropriate in an area of the city zoned for commercial uses, and will continue to provide an option for the community. Restaurants are permitted in the C1 (Neighborhood Commercial) zone and are consistent with the Neighborhood Commercial land use designation. The sales, service and consumption of alcohol requires approval of an Administrative Use Permit. The Circulation Element identifies North Verdugo Road as a major arterial thoroughfare and North Chevy Chase as minor arterial street that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area where the subject site is located. The project site is already developed and the applicant's request is to allow the continued sales, service and consumption of alcohol at a full service restaurant within an existing tenant space that was previously a restaurant. The other elements of the General Plan, including Open Space, Recreation, Housing, and Noise, will not be impacted as a result of the applicant's request as this is an existing development in the city, and there is no expansion proposed. The applicant's request to allow the continued sales, service and consumption of alcoholic beverages at a full service restaurant is not anticipated to create any negative traffic-related impacts on North Verdugo Road or North Chevy Chase Drive over and above the existing conditions. This application does not include any added floor area or modifications to the existing building; therefore there will be no increase in the demand for parking.

B. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.

A full service restaurant, which includes the sales, service, and consumption of alcoholic beverages for on-site consumption is not expected to be detrimental to the public health, safety, general welfare, or to the environment. According to the Glendale Police Department (GPD), the subject property is located in Census Tract 3020.04 where the suggested limit for on-sale alcohol establishments is three. Currently, there is one on-sale establishment located in Census Tract 3020.04, Ginetun Restaurant will bring the total to two. Based on Part 1 crime statistics for this Census Tract, there were 93 crimes reported in this tract, which is below the citywide average of 180. Within the last calendar year there were no calls for police service at this location that required a report to be taken. The Police Department has suggested conditions of approval, that have been incorporated to ensure there are no negative impacts to the public health, safety, general welfare, or the environment. In addition, no evidence has been presented that would indicate that a full service restaurant with the sales, service and consumption of alcoholic beverages for on-site consumption would encourage or intensify crime within the district. As long as this use remains as a full service restaurant, and not a Tavern as defined in the Zoning Ordinance, the use will not be detrimental to the surrounding area.

C. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.

It is not anticipated that the applicant's request to continue the sales, service and consumption of alcoholic beverages at a full service restaurant will adversely affect or conflict with adjacent uses or impede with the community's normal development. A restaurant has operated at this location without any major incident for 16 years. The restaurant will be open seven days a week. The previous restaurant was open from 11 a.m. to 12 a.m. seven days a week. While the current applicant is requesting to be open till 2 a.m., seven days a week, staff and the police department believe that the hours of operation should be 11 a.m. to midnight seven days a week. These hours of operation will be more compatible with the surrounding area and a condition of approval has been included to reflect this. With the attached conditions of approval, the request to continue the sales, service and consumption of alcoholic beverages at a full service restaurant for on-site consumption is not anticipated to adversely conflict with surrounding properties.

While there are residential developments in the area, there are no public facilities located within the immediate area. The nearest schools are Wilson Middle School (along North Verdugo Road and Monterey Road), John Marshall Elementary School (along North Chevy Chase Drive and East Broadway) and Glendale High School (South Verdugo Road and East Broadway); all located approximately 0.4 miles away. While these facilities and uses are within the vicinity, it is not anticipated that any negative impacts to these uses would occur based on the applicant's request to operate a full service restaurant with the sales, service and consumption of alcoholic beverages for on-site consumption.

The Circulation Element identifies North Chevy Chase Drive as a minor arterial and North Verdugo Road as major arterial streets that are fully developed and can adequately handle the existing traffic circulation around the site. These streets serve the adjacent residential neighborhoods in the area and where the subject site is located. The applicant's request to continue the sales, service and consumption of alcoholic beverages at a full service restaurant for on-site consumption is not anticipated to create any negative traffic-related impacts on North Chevy Chase Drive or North Verdugo Road over and above the existing conditions.

D. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.

Adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are provided for the use and are existing. The applicant requests to continue the sales, service and consumption of alcoholic beverages at a full service restaurant for on-site consumption, and no expansion to the existing building is proposed. Associated utilities exist within the public rights-of-way and are adequate to continue service to the building. The project site was originally developed in 1974 with a multi-tenant commercial building. The project site features 61 on-site parking spaces. The restaurant with the continued sales, service, and consumption of alcoholic beverage sales for off-site consumption does not require additional parking. The parking demand is not anticipated to

intensify with the applicant's request to continue to sell, serve or consume alcoholic beverages for on-site consumption. The applicant's Administrative Use Permit (AUP) request to operate a full service restaurant including the continued sale of alcoholic beverage will not require any new city services, nor will it require any changes to landscaping, parking or traffic circulation.

REQUIRED ADDITIONAL FINDINGS OF FACT FOR AN AUP FOR ALCOHOL SALES, SERVICE AND CONSUMPTION

That all the criteria set forth in Section 30.49.030 to be considered in making the findings in subsection A. through D. above have all been met and thoroughly considered:

- 1) That such use will not tend to intensify or otherwise contribute to the adverse impacts on the surrounding area caused by over concentration. The Glendale Police Department noted no concerns with this proposal as noted in Finding B. above.
- 2) That such use will not tend to encourage or intensify crime within the district. No evidence has been presented which would indicate that a full service restaurant with the sales, service, and consumption of alcoholic beverages in this location has or would encourage or intensify crime within the district as noted in Finding B. above
- 3) That such use will not adversely impact any other uses within the surrounding area (church, public or private schools or college, day care facility, public park, library, hospital or residential use). As noted in Finding C. above, the closest public facilities to the proposed project are Wilson Middle School, John Marshall Elementary School and Glendale High School; all located approximately 0.4 miles away. While residential uses are located nearby, the restaurant, should not impact these uses. Additionally, the project is conditioned to ensure the function of this full service restaurant with the sale, service and consumption of alcoholic beverages is in compliance with all municipal codes and state law. The proposed on-site sales, service and consumption of alcoholic beverages at the full service restaurant is not anticipated to adversely impact other neighboring uses in this area.
- 4) That the proposed use satisfies its transportation or parking needs as described in Finding D. above because adequate access, parking and delivery spaces are available to serve this use.
- 5) That notwithstanding consideration in subsections 1 through 4 above, the operation of a full service restaurant with the sales, service and consumption of alcoholic beverages for on-site consumption does serve a public convenience for the area because it serves local residents, businesses, and the surrounding community as evidenced by a full service restaurant at this location for the past 16 years. Conditions placed on the approval of the project will ensure that it will not adversely impact nearby businesses and residential uses.

CONDITIONS OF APPROVAL

APPROVAL of this Administrative Use Permit shall be subject to the following conditions:

1. That the development shall be in substantial accord with the plans submitted with the application except for any modifications as may be required to meet specific code standards or other conditions stipulated herein to the satisfaction of the Director of Community Development.
2. That all necessary licenses, approvals, and permits as required from Federal, State, County or City authorities including the City Clerk shall be obtained and kept current at all times.
3. That sufficient measures shall be enforced to effectively eliminate interior and exterior loitering, parking congestion, disturbing noise, disturbing light, loud conversation, and criminal activities.
4. That the gated entry shall be removed and the previous landscaping and ADA parking space shall be re-stripped subject to the approval of the Planning and Building and Safety division.
5. That at all times when the premises are open for business, the service of any alcoholic beverage shall be made only in the areas designated with an ABC license. Consumption of alcoholic beverages will only be on those same licensed areas.
6. That the sales, service or consumption of alcoholic beverages shall be permitted only between the hours of 11:00 a.m. to 12:00 a.m. seven days a week and only when the restaurant is also open for service.
7. That no patrons of the restaurant shall be allowed to bring into the establishment any alcoholic beverage that was purchased from outside of the restaurant, unless the restaurant has an established corkage policy allowing and regulating such.
8. That the restaurant shall not operate as a banquet hall. A full service restaurant may not have greater than 30% of service area available for private party rental where access by the general public is restricted provided that all events comply with the provisions of the applicant's Alcoholic Beverage Control license, and provided they have appropriate Conditional Use Permits and Use Variances if required.
9. That there shall be no video machine(s) maintained upon the premises.
10. That dancing is only allowed on the premises in designated dance floor areas, with a proper "Dance" permit. The restaurant shall not operate as a nightclub and shall not have a dance floor area greater than 200 square feet. Any establishment serving alcoholic beverages which has a dance floor greater than 200 square feet is considered a nightclub.
11. That no live entertainment is permitted without a "Live Entertainment Permit". No karaoke, no bikini activities or events, no lingerie activities or events, no swimwear activities or events, nor any similar activities or events shall be permitted where partial clothing of male or female entertainment is provided.
12. That music or noise shall be contained within the edifice of the establishment. The business shall comply with all state and local laws and ordinances concerning excessive noise and disturbing the peace.

13. That the front and back doors of the restaurant shall be kept closed at all times while the location is open for business, except in case of emergency.
14. That the sales, service and consumption of alcoholic beverages shall be incidental to serving of food at all times. No alcohol shall be served without service of a meal.
15. That the full service restaurant shall not derive more than fifty (50) percent of its gross revenues from the on-premises sales, serving and consumption of alcoholic beverages. This would be a change in use and would by definition of the code be a "tavern" which requires approval of a separate Conditional Use Permit. Taverns include bars, pubs, cocktail lounges and similar establishments.
16. That the sale of alcoholic beverages for consumption off the premises is strictly prohibited.
17. That the restaurant shall adhere to the City's Fresh Air Ordinance, Title 15, Chapter 8.52 of the Glendale Municipal Code.
18. That the restaurant shall be operated in full accord with applicable State, County, and local laws.
19. That access to the premises shall be made available to all City of Glendale Planning and Neighborhood Services Divisions, Police Department, and Fire Department staff upon request for the purpose of verifying compliance with all laws and conditions of this approval.
20. That no exterior signs advertising the sales/service of alcoholic beverages shall be permitted.
21. That a Business Registration Certificate be applied for and issued for a full service restaurant with sales, service and consumption of alcoholic beverages, subject to the findings and conditions outlined in this decision letter.
22. That authorization granted herein shall be valid for a period of **TEN (10) YEARS UNTIL AUGUST 15, 2028.**

APPEAL PERIOD

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper City and public agency.

Under the provisions of the Glendale Municipal Code, Title 30, Chapter 30.62, any person affected by the above decision has the right to appeal said decision to the Planning Commission, if it is believed that the decision is in error or that procedural errors have occurred, or if there is substantial new evidence which could not have been reasonably presented. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms within fifteen (15) days following the actual date of the decision. Information regarding appeals and appeal forms will be provided by the Permit Services Center (PSC) or the Community Development Department (CDD) upon request and must be filed with the prescribed fee prior to

expiration of the 15-day period, on or before **August 30, 2018**, at the Permit Services Center (PSC), 633 East Broadway, Room 101, Monday thru Friday 7:00 a.m. to 12:00 p.m., or at the Community Development Department (CDD), 633 East Broadway, Room 103, Monday thru Friday 12:00 p.m. to 5 p.m.

APPEAL FORMS available on-line: <http://www.glendaleca.gov/appeals>

TRANSFERABILITY

This authorization runs with the land or the use for which it was intended for and approved. In the event the property is to be leased, rented or occupied by any person or corporation other than yourself, it is incumbent that you advise them regarding the conditions and/or limitations of this grant.

VIOLATIONS OF THESE CONDITIONS

Violations of conditions required by this determination may constitute a misdemeanor or infraction under section 1.20.010 of the Glendale Municipal Code (GMC) and/or a violation of other local, State or Federal laws or regulations. Unless a specific penalty is provided, any person convicted of a misdemeanor shall be punished by a fine not to exceed one thousand dollars (\$1,000.00), or imprisonment for a term not to exceed six (6) months, or by both fine and imprisonment. Infractions are punishable by a fine not exceeding the sum of five hundred dollars (\$500.00) for each violation. Violations of conditions required by this determination may be grounds for a revocation.

REVOCATION, CONTINUING JURISDICTION

Section 30.64.020 – Revocation – The Community Development Department shall have continuing jurisdiction over administrative use permits, (individual cases heard and decided upon by the Planning Hearing Officer).

To consider the revocation, the Planning Hearing Officer shall hold a public hearing after giving notice by the same procedure as for consideration of an administrative use permit at least ten (10) days' notice by mail to the applicant or permittee. Continuing jurisdiction over any case is the purview of the Planning Hearing Officer, with concurrence by the Director of Community Development.

GMC CHAPTER 30.4 PROVIDES FOR

Termination

Every right or privilege authorized by an administrative use permit shall terminate two (2) years after the granting of such, unless the exercise of such right or privilege has commenced in good faith prior to such time, except as otherwise provided for.

Extension

An extension of the administrative use permit may be requested one time and extended for up to a maximum of one (1) additional year upon receipt of a written request from the applicant and demonstration that a reasonable effort to act on such right and privilege has commenced within the two (2) years of the approval date. In granting such extension the applicable review authority shall make a written finding that neighborhood conditions have not substantially changed since the granting of the administrative use permit.

Cessation

An Administrative Use Permit may be terminated by the review authority upon any interruption or cessation of the use permitted by the Administrative Use Permit for one year or more in the continuous exercise in good faith of such right and privilege.

NOTICE – subsequent contacts with this office

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the case planner. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **By Appointment Only**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

Should you have any questions regarding this issue, please do not hesitate to contact the case planner, Bradley Collin at (818) 548-2140 or bcollin@glendaleca.gov

Sincerely,

Philip Lanza fame
Director of Community Development



Laura Stotler
Principal Planner

LS:BC:sm

CC: City Clerk (K.Cruz); Police Dept. (A.Jenks/Z.Avila); City Attorney's Dept. (G. van Muyden/Y.Neukian); Fire Prevention Engineering Section-(J.Halpert); Traffic & Transportation Section (P.Casanova); General Manager for Glendale Water and Power (S.Zurn); Glendale Water & Power--Water Section (G. Tom/S. Boghosian/R.Takidin); Glendale Water & Power--Electric Section (B. Alshanti/B.Ortiz/E.Olsen); Parks, Recreation and Community Services Dept. (T. Aleksanian); Neighborhood Services Division (R.Sada/J.Jouharian/); Integrated Waste Management Admin. (D. Hartwell); Maintenance Services Section Admin. (D. Hardgrove/J.Cawn); Street and Field Services Admin.; Engineering and Environmental Management (C.Chew/R. Villaluna); and case planner – Bradley Collin.